

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

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CODY LEAVITT,

Petitioner,

vs.

DWIGHT NEVEN, et al.,

Respondents.

Case No. 2:12-cv-00987-JCM-CWH

**ORDER**

This action involves a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Before the court is petitioner's motion to withdraw as counsel (ECF. No. 24).<sup>1</sup> In the motion, counsel for petitioner advises the court that the motion to withdraw is brought due to a scheduling conflict arising from an upcoming 4-6 week trial, which has impacted his ability to draft the petition within the court's deadline. Respondents have not opposed the motion. Based on the facts and circumstances presented, the court will deny the motion to withdraw, but will temporarily stay the proceedings to allow counsel time to complete the trial in the other matter.

**IT IS THEREFORE ORDERED** that petitioner's motion to withdraw as appointed counsel (ECF. No. 24) is **DENIED**.

**IT IS FURTHER ORDERED** that this action is **TEMPORARILY STAYED**. The clerk shall

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<sup>1</sup> Petitioner also has a second action proceeding in a petition for writ of habeas corpus in which he has been appointed the same counsel and in which a similar motion has been filed. *See* 2:12-cv-00625-MMD-NJK. The court takes notice of a hearing conducted in the related habeas action on March 27, 2013 to address the motion to withdraw as counsel. The court therein has determined to proceed as outlined above. Judicial economy supports a similar action in this matter.

1 **ADMINISTRATIVELY CLOSE** the case.

2 **IT IS FURTHER ORDERED** that on or before August 30, 2013, petitioner shall file a motion  
3 to reopen the action along with the amended petition.

4 Dated April 1, 2013.

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7 UNITED STATES DISTRICT JUDGE  
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